IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS EAST ST. LOUIS DIVISION

BROADCAST MUSIC, INC.; BOCEPHUS MUSIC, INC.; PEERMUSIC III LTD.; SONY/ATV SONGS LLC d/b/a SONY/ATV TREE PUBLISHING; COBURN MUSIC, INC.; BRO 'N SIS MUSIC, INC.; NETTWERK ONE MUSIC CANADA LTD. d/b/a NETTWERK ONE B MUSIC US; WELSH WITCH MUSIC; KENNY O'DELL MUSIC; FOURTEENTH HOUR MUSIC INC.; SPRINGTIME MUSIC, INC.; SHOWBILLY MUSIC; SONY/ATV SONGS LLC d/b/a SONY/ATV ACUFF ROSE MUSIC; WARNER-TAMERLANE PUBLISHING CORP.; THIRTY TWO MILE MUSIC; PAINTED DESERT MUSIC CORPORATION; NASHVILLE STAR MUSIC, a division of REVEILLE MUSIC PUBLISHING LLP; CARNIVAL MUSIC COMPANY d/b/a TILTAWHIRL MUSIC,

Plaintiffs,

v.

B.J.W. ENTERPRISES, INC. d/b/a ARIZONA JOE'S; and WILLIAM JOE BLUNT, individually,

Defendants.

No. 3:17-cv-291

COMPLAINT

Plaintiffs, by their attorneys, for their Complaint against Defendants, allege as follows:

JURISDICTION AND VENUE

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. §§ 101 *et seq*. (the "Copyright Act"). This Court has jurisdiction pursuant to 28 U.S.C. § 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(a).

THE PARTIES

3. Plaintiff Broadcast Music, Inc. ("BMI") is a corporation organized and existing under the laws of the State of New York. BMI's principal place of business is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to license the public performance rights in approximately 10.5 million copyrighted musical compositions (the "BMI Repertoire"), including those which are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions, which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Rules 17(a) and 19(a) of the Federal Rules of Civil Procedure.

5. Plaintiff Bocephus Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

6. Plaintiff Peermusic III Ltd. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

7. Plaintiff Sony/ATV Songs LLC is a limited liability company d/b/a Sony/ATV Tree Publishing. This Plaintiff is the copyright owner of at least one of the songs in this matter.

8. Plaintiff Coburn Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

9. Plaintiff Bro 'n Sis Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

10. Plaintiff Nettwerk One Music Canada Ltd. is a corporation d/b/a Nettwerk One B Music US. This Plaintiff is the copyright owner of at least one of the songs in this matter.

11. Plaintiff Welsh Witch Music is a sole proprietorship owned by Stephanie Nicks. This Plaintiff is the copyright owner of at least one of the songs in this matter.

12. Plaintiff Kenny O'Dell Music is a sole proprietorship owned by Kenneth Gist also known as Kenny O'Dell. This Plaintiff is the copyright owner of at least one of the songs in this matter.

13. Plaintiff Fourteenth Hour Music Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

14. Plaintiff Springtime Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

15. Plaintiff Showbilly Music is a sole proprietorship owned by Ronnie Gene Dunn. This Plaintiff is the copyright owner of at least one of the songs in this matter.

16. Plaintiff Sony/ATV Songs LLC is a limited liability company doing business as Sony/ATV Acuff Rose Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

17. Plaintiff Warner-Tamerlane Publishing Corp. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

18. Plaintiff Thirty Two Mile Music is a sole proprietorship owned by Robert J. Ritchie. This Plaintiff is the copyright owner of at least one of the songs in this matter.

19. Plaintiff Painted Desert Music Corporation is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

20. Plaintiff Nashville Star Music is a limited liability limited partnership which is a division of Reveille Music Publishing LLP. This Plaintiff is the copyright owner of at least one of the songs in this matter.

21. Plaintiff Carnival Music Company is a corporation doing business as Tiltawhirl Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

22. Defendant B.J.W. Enterprises, Inc. is a corporation organized and existing under the laws of the State of Illinois.

23. Defendant B.J.W. Enterprises, Inc. operates, maintains and controls an establishment known as Arizona Joe's, located at 1435 South Hickory Street, Centralia, Illinois 62801 ("the Establishment") in this district.

24. In connection with the operation of the Establishment, Defendant B.J.W. Enterprises, Inc. publicly performs musical compositions and/or causes musical compositions to be publicly performed.

25. Defendant B.J.W. Enterprises, Inc. has a direct financial interest in the Establishment.

26. Defendant William Joe Blunt is the President of B.J.W. Enterprises, Inc., with responsibility for the operation and management of that corporation and the Establishment.

27. Defendant William Joe Blunt has the right and ability to supervise the activities of Defendant B.J.W. Enterprises, Inc. and has a direct financial interest in that corporation and the Establishment.

28. Upon information and belief, Defendant William Joe Blunt resides in this district at 316 North Main, Sandoval, IL 62882.

CLAIMS OF COPYRIGHT INFRINGEMENT

29. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 28.

30. Since February 2015, BMI has reached out to Defendants over 40 times by phone and mail, to inform Defendants of their obligations under the Copyright Act to obtain a license for the public performance of musical compositions in the BMI repertoire. The letters included

Cease and Desist Notices informing Defendants that they must immediately cease all use of musical compositions from the BMI Repertoire at the Establishment.

31. Plaintiffs allege thirteen (13) claims of willful copyright infringement, based upon Defendants' unauthorized public performance of musical compositions from the BMI Repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

32. Annexed to this Complaint as a schedule (the "Schedule") and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the thirteen (13) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information (all references to "Lines" are lines on the Schedule): Line 1 provides the claim number; Line 2 lists the title of the musical composition related to that claim; Line 3 identifies the writer(s) of the musical composition; Line 4 identifies the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 provides the date on which the copyright registration was issued for the musical composition; Line 6 indicates the copyright registration number(s) for the musical composition; Line 7 shows the date(s) of infringement; and Line 8 identifies the Establishment where the infringement occurred.

33. For each work identified on the Schedule, the person(s) named on Line 3 was the creator of that musical composition.

34. For each work identified on the Schedule, on or about the date(s) indicated on Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied in all

respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the number(s) listed on Line 6.

35. For each work identified on the Schedule, on the date(s) listed on Line 7, Plaintiff BMI was (and still is) the licensor of the public performance rights in the musical composition identified on Line 2. For each work identified on the Schedule, on the date(s) listed on Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the respective musical composition listed on Line 2.

36. For each work identified on the Schedule, on the date(s) listed on Line 7, Defendants publicly performed and/or caused to be publicly performed at the Establishment the musical composition identified on Line 2 without a license or permission to do so. Thus, Defendants have committed copyright infringement.

37. The specific acts of copyright infringement alleged in the Complaint, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI Repertoire at the Establishment, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

WHEREFORE, Plaintiffs pray that:

(I) Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. § 502;

(II) Defendants be ordered to pay actual or statutory damages, pursuant to 17 U.S.C. § 504(a)–(c);

(III) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. § 505; and

(IV) Plaintiffs have such other and further relief as is just and equitable.

Dated: March 20, 2017

Respectfully submitted,

/s/ Charles A. Laff

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Schedule

Line 1	Claim No.	1	
Line 2	Musical Composition	Family Tradition	
Line 3	Writer(s)	Hank Williams, Jr.	
Line 4	Publisher Plaintiff(s)	Bocephus Music, Inc.	
Line 5	Date(s) of Registration	2/8/79	
Line 6	Registration No(s).	PA 32-171	
Line 7	Date(s) of Infringement	1/22/17	
Line 8	Place of Infringement	Arizona Joe's	

Line 1	Claim No.	2	
Line 2	Musical Composition	Georgia On My Mind	
Line 3	Writer(s)	Stuart Gorrell; Hoagy Carmichael	
Line 4	Publisher Plaintiff(s)	Peermusic III Ltd.	
Line 5	Date(s) of Registration	12/23/57	12/31/57
Line 6	Registration No(s).	R 205803	R 205347
Line 7	Date(s) of Infringement	1/22/17	
Line 8	Place of Infringement	Arizona Joe's	

Line 1	Claim No.	3
Line 2	Musical Composition	I Started Loving You Again a/k/aToday I Started Loving You Again
Line 3	Writer(s)	Merle Haggard; Bonnie Owens
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Tree Publishing
Line 5	Date(s) of Registration	2/12/68 6/2/69
Line 6	Registration No(s).	Eu 37128 Ep 259181* *As part of 'The Merle Haggard Song Album'
Line 7	Date(s) of Infringement	1/22/17
Line 8	Place of Infringement	Arizona Joe's

Line 1	Claim No.	4
Line 2	Musical Composition	I'll Leave This World Loving You
Line 3	Writer(s)	Wayne Kemp
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Tree Publishing
Line 5	Date(s) of Registration	7/1/74
Line 6	Registration No(s).	Ep 326477
Line 7	Date(s) of Infringement	1/22/17
Line 8	Place of Infringement	Arizona Joe's

Line 1	Claim No.	5
Line 2	Musical Composition	I'm Over You
Line 3	Writer(s)	Zack Turner; Tim Nichols
Line 4	Publisher Plaintiff(s)	Coburn Music, Inc.; Bro 'n Sis Music, Inc.; Nettwerk One Music Canada Ltd. d/b/a Nettwerk One B Music US
Line 5	Date(s) of Registration	9/27/89
Line 6	Registration No(s).	PA 443-447
Line 7	Date(s) of Infringement	1/22/17
Line 8	Place of Infringement	Arizona Joe's

Line 1	Claim No.	6
Line 2	Musical Composition	Landslide
Line 3	Writer(s)	Stevie Nicks
Line 4	Publisher Plaintiff(s)	Stephanie Nicks, an individual d/b/a Welsh Witch Music
Line 5	Date(s) of Registration	6/30/75
Line 6	Registration No(s).	Eu 593046
Line 7	Date(s) of Infringement	1/22/17
Line 8	Place of Infringement	Arizona Joe's

Line 1	Claim No.	7
Line 2	Musical Composition	Mama He's Crazy AKA Mama She's Lazy
Line 3	Writer(s)	Kenneth Guy Gist, Jr. a/k/a Kenny O'Dell
Line 4	Publisher Plaintiff(s)	Kenneth Gist a/k/a Kenny O'Dell d/b/a Kenny O'Dell Music
Line 5	Date(s) of Registration	2/24/84 11/13/84
Line 6	Registration No(s).	PA 202-106 PA 236-641
Line 7	Date(s) of Infringement	1/22/17
Line 8	Place of Infringement	Arizona Joe's

Line 1	Claim No.	8
Line 2	Musical Composition	Mustang Sally
Line 3	Writer(s)	Bonny Rice
Line 4	Publisher Plaintiff(s)	Fourteenth Hour Music Inc.; Springtime Music, Inc.
Line 5	Date(s) of Registration	4/27/93 3/22/65
Line 6	Registration No(s).	RE 627-422 Eu 873659
Line 7	Date(s) of Infringement	1/22/17
Line 8	Place of Infringement	Arizona Joe's

Line 1	Claim No.	9
Line 2	Musical Composition	Neon Moon
Line 3	Writer(s)	Ronnie Dunn
Line 4	Publisher Plaintiff(s)	Ronnie Gene Dunn, an individual d/b/a Showbilly Music
Line 5	Date(s) of Registration	9/16/91
Line 6	Registration No(s).	PA 536-368
Line 7	Date(s) of Infringement	1/22/17
Line 8	Place of Infringement	Arizona Joe's

Line 1	Claim No.	10
Line 2	Musical Composition	Walkin' After Midnight
Line 3	Writer(s)	Don Hecht; Allen Block
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Acuff Rose Music
Line 5	Date(s) of Registration	1/18/84
Line 6	Registration No(s).	RE 197-554
Line 7	Date(s) of Infringement	1/22/17
Line 8	Place of Infringement	Arizona Joe's

Line 1	Claim No.	11
Line 2	Musical Composition	Lonely Road Of Faith
Line 3	Writer(s)	Robert J. Ritchie a/k/a Kid Rock
Line 4	Publisher Plaintiff(s)	Warner-Tamerlane Publishing Corp.; Robert J. Ritchie, an individual d/b/a Thirty Two Mile Music
Line 5	Date(s) of Registration	1/2/02
Line 6	Registration No(s).	PAu 2-635-077
Line 7	Date(s) of Infringement	1/22/17
Line 8	Place of Infringement	Arizona Joe's

Line 1	Claim No.	12	
Line 2	Musical Composition	Ring Of Fire	
Line 3	Writer(s)	June Carter; Merle Kilgore	
Line 4	Publisher Plaintiff(s)	Painted Desert Music Corporation	
Line 5	Date(s) of Registration	11/23/90	9/17/62
Line 6	Registration No(s).	RE 498-587	Ep 167400
Line 7	Date(s) of Infringement	1/22/17	
Line 8	Place of Infringement	Arizona Joe's	

Line 1	Claim No.	13
Line 2	Musical Composition	Gun Powder And Lead a/k/a Gunpowder And Lead
Line 3	Writer(s)	Miranda Lambert; Heather Little
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Tree Publishing; Nashville Star Music, a Division of Reveille Music Publishing LLP; Carnival Music Company d/b/a Tiltawhirl Music
Line 5	Date(s) of Registration	7/2/07
Line 6	Registration No(s).	PA 1-387-084
Line 7	Date(s) of Infringement	1/22/17
Line 8	Place of Infringement	Arizona Joe's
